

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MAYNE PHARMA (USA) INC.,)
Plaintiff,)
v.) C.A. No. 04-1564 -KAJ
AMERICAN PHARMACEUTICAL)
PARTNERS, INC., BIGMAR, INC.,)
and BIGMAR-BIOREN)
PHARMACEUTICALS, S.A.,)
Defendants.)

)

**AFFIDAVIT OF ADAM W. POFF
IN SUPPORT OF REQUEST TO CLERK FOR ENTRY OF DEFAULT
AGAINST BIGMAR-BIOREN PHARMACEUTICALS, S.A.**

STATE OF DELAWARE)
) SS.
NEW CASTLE COUNTY)

BE IT REMEMBERED, that on this 7th day of June, 2005, the deponent Adam W. Poff, personally appeared before me, a Notary Public for the State and County aforesaid, and deposed and stated as follows:

1. I am an associate with the law firm of Young Conaway Stargatt & Taylor, LLP, attorneys for the plaintiff in this action. I am submitting this Affidavit in support of Plaintiff's Request to the Clerk for Entry of Default against Defendant Bigmar-Bioren Pharmaceuticals, S.A. ("BBP").

2. BBP is an entity organized under the laws of Switzerland. I caused the Complaint in this action (the "Complaint") and ancillary papers to be served upon BBP in

accordance with 10 *Del. C.* § 3104 on January 5, 2005, and, in an abundance of caution, in accordance with the Hague Convention on Service Abroad on March 15, 2005. The Long-Arm service was completed, as evidenced by the registered mail return receipt attached hereto as Exhibit A, and the service of process pursuant to the Hague Convention was received by Mr. Kramer Bernard, as evidenced by the papers attached hereto as Exhibit B.

3. More than 20 days have passed since the service dates.
4. It appears from the Court's docket, as of the date of this affidavit, that defendant BBP has failed to answer or otherwise defend against the Complaint. Defendant BBP has also failed to serve, as of the date of this affidavit, a copy of any answer or other responsive filing upon me or any other attorney in this firm.



Adam W. Poff (No. 3990)

SWORN TO AND SUBSCRIBED before me, a Notary Public, the day and year aforesaid.

Notary Public Kay N. Shuey
My Commission Expires: 2/16/2009

CERTIFICATE OF SERVICE

I, Adam W. Poff, Esquire, hereby certify that on June 8, 2005, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

Thomas C. Grimm, Esquire
Morris Nichols Arsh & Tunnell
1201 North Market Street
PO Box 1347
Wilmington, DE 19899-1347

I further certify that on June 8, 2005, I caused two copies of the foregoing document to be served by hand delivery on the above-listed counsel of record and in the manner indicated below following non-registered parties:

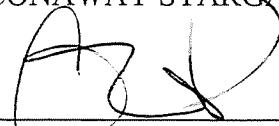
BY HAND DELIVERY

Bigmar, Inc.
c/o Corporation Service Company
7111 Centerville Road
Wilmington, DE 19808

BY REGISTERED MAIL

Bigmar-Bioren Pharmaceuticals, S.A.
Via Cadepiano 24/26
CH-6917 Barbengo, Switzerland

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